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(As Reported by S. Ways and Means)

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BILL SUMMARY

- Provides that a forcible entry and detainer (FE & D) action may be taken against a manufactured home park resident (or the resident's estate) who has been absent for 30 consecutive days and has not paid the rent due, and whose manufactured or mobile home or recreational vehicle has been left unoccupied during that period.
- Requires the judge in an FE & D action to include in a judgment entered in favor of a plaintiff who is a park operator authority for the plaintiff to permit the removal and potential sale, destruction, or transfer of ownership of the defendant's manufactured or mobile home or recreational vehicle.
- Requires a park operator to provide to the titled owner of a manufactured or mobile home or recreational vehicle a written notice to remove the home or vehicle from a manufactured home park within 14 days of delivery of the notice, if the owner has been evicted pursuant to a judgment and the home or vehicle was abandoned or left unoccupied for three days following eviction, and specifies language for the notice.

** This analysis was prepared before the report of the Senate Ways and Means Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

- Requires a park operator, before requesting a writ of execution on a judgment in an FE & D action, to conduct a search of public records to identify any persons who have an outstanding right, title, or interest in the home or vehicle that is the subject of the writ, and requires the operator to include certain information regarding those persons in the request for the writ.
- Specifies the language that is to be contained in a writ of execution on a judgment of restitution against a manufactured home park resident or the resident's estate.
- Establishes procedures the sheriff, police officer, constable, or bailiff (law enforcement officer) must follow after receiving a writ of execution involving a manufactured or mobile home or recreational vehicle, and, after removing the defendant from the residential premises of the manufactured home park, for the removal and sale of the home or vehicle and distribution of the proceeds from the sale.
- Specifies procedures for the removal of a manufactured or mobile home or recreational vehicle from a manufactured home park when the resident's estate has been evicted, or when the home or vehicle is removed by the titled owner prior to and after the issuance of the writ of execution.
- Provides a procedure for the storage of a manufactured or mobile home or recreational vehicle following an FE & D action against the resident's estate, if the evicted resident is dead or dies prior to the removal of the home or vehicle.
- Provides that the law enforcement officer who removes a manufactured or mobile home, recreational vehicle, or personal property from a manufactured home park pursuant to the bill's procedures is immune from civil liability for any damage caused during the removal.
- Grants qualified immunity to the park operator for any damage caused to a manufactured or mobile home, recreational vehicle, or personal property during removal or storage.
- Requires a law enforcement officer, after properly distributing the proceeds from the sale of an abandoned manufactured or mobile home or recreational vehicle, to report any remaining money as unclaimed funds.

- Requires that the county auditor issue a relocation notice without requiring payment of any taxes owed on a manufactured or mobile home, if the home is removed from a manufactured home park by a law enforcement officer or park owner and stored, sold, or destroyed pursuant to the bill's procedures.
- Requires that the make and model of each manufactured or mobile home be included in a manufactured home court's or park's registry under certain circumstances.
- Establishes a procedure for the removal of abandoned campsite property from a recreational vehicle park, recreation camp, combined park-camp, and temporary park-camp, where a campsite user has entered into a campsite use agreement.
- Excludes recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps from the landlord-tenant law.

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CONTENT AND OPERATION

Forcible entry and detainer law--manufactured home parks

Persons subject to a forcible detainer action

(R.C. 1923.01(C)(3) and 1923.02)

Under existing law, tenants, manufactured home park residents, occupants of self-service storage facilities, and judgment debtors may be subject to a forcible entry and detainer action (FE & D action) under certain circumstances--for example, when tenants or manufactured home park residents are holding over after their terms or are in possession under an oral tenancy and are in default in the payment of rent; in certain cases involving sales of real estate, on executions, orders, or other judicial process against the judgment debtor; when manufactured home park residents default in the payment of rent or breach the terms of a rental agreement with a manufactured home park operator; or when occupants of self-service storage facilities breach the terms of a rental agreement or violate the law that prohibits a self-storage facility from being used for residential purposes.

The bill provides that an FE & D action also may be taken against a manufactured home park resident (or the resident's estate), who has been absent from the manufactured home park for a period of 30 consecutive days prior to the commencement of the action, and whose manufactured or mobile home, or recreational vehicle parked in the park, has been left unoccupied for that period, without notice to the park operator and without payment of rent due under the rental agreement. The bill also specifies that nothing in the existing authorization to bring an FE & D action against a manufactured home park resident who has defaulted in the payment of rent or breached a term of a rental agreement precludes the commencement of an action brought pursuant to this new provision when these additional circumstances apply.

Action tried by judge or jury; entry of verdict

(R.C. 1923.09 and 1923.11)

FE & D actions are tried by any judge of a county or municipal court or a court of common pleas (within the judge's proper area of jurisdiction) or by a jury, if demanded by either party. If an FE & D action is not continued, the place of the



trial has not changed, and neither party demands a jury on the return day of the summons, a judge of the court must try the cause. After hearing the evidence, if the judge concludes that the complaint is not true, the judge must enter judgment against the plaintiff for costs. If the judge finds the complaint to be true, the judge must render a general judgment against the defendant for restitution of the premises and the costs of suit. If the judge finds the complaint true in part, the judge must render a judgment for restitution of that part only, and the costs must be taxed as the judge considers just. If a trial by jury is held and the jury renders a verdict, existing law provides that the court must enter that verdict upon the judgment, and render the judgment in the action as if the facts, authorizing the finding of the verdict, had been found by the court itself.

The bill provides that if a judgment in an FE & D action tried before a judge or jury is entered in favor of a plaintiff who is a manufactured home park operator, the judge must include in the judgment entry authority for the plaintiff to permit the removal and potential sale, destruction, or transfer of ownership of the defendant's manufactured home, mobile home, or recreational vehicle, in accordance with the bill's eviction, removal, storage, and restitution procedures.

Procedures to be followed after FE & D judgment for park operator is entered

Notice of eviction

(R.C. 1923.12(A) to (C))

Under the bill, if a resident (or a resident's estate) has been evicted from a manufactured home park pursuant to a judgment in an FE & D action, and the resident's manufactured or mobile home or recreational vehicle was abandoned or left unoccupied on the park's residential premises for a period of three days following the entry of judgment, a manufactured home park operator may provide to the titled owner of the home or vehicle a written notice to remove it from the park within 14 days from date of the delivery of the notice. The park operator must deliver the notice to the owner by personal delivery or by ordinary mail sent to the owner's last known address. If the owner does not remove or cause to be removed the manufactured or mobile home or recreational vehicle from the park within 14 days from the date of the notice's delivery, the park operator may follow the procedures discussed below under "**Judgment of restitution--issuance of writ of execution**" and "**Removal of property**" to permit the removal and potential sale, destruction, or transfer of ownership of the home or vehicle.

The bill requires that every notice given to the titled owner of a manufactured or mobile home or recreational vehicle contain specific language set forth in the bill, printed in a conspicuous manner.



The bill also provides that, before requesting a writ of execution on a judgment, the park operator must conduct or cause to be conducted a search of the appropriate public records that relate to the manufactured or mobile home or recreational vehicle and make or cause to be made reasonably diligent inquiries for the purpose of identifying any persons who have an outstanding right, title, or interest in the home or vehicle. If the search or inquiries reveal such a person, the park operator must list the name and last known address of each such person in its request for the writ of execution. The park operator also must certify on the request that written notice has been provided.

Procedures when resident's estate has been evicted from a park

(R.C. 1923.12(D))

The bill provides that when a resident's estate has been evicted from a manufactured home park pursuant to an FE & D judgment, the removal from the park and the potential sale, destruction, or transfer of ownership of the resident's home or vehicle must be conducted in the manner prescribed by the probate court in which letters testamentary or of administration have been granted for the estate in accordance with the probate law. The bill also provides that the park operator may store the resident's home or vehicle at a storage facility or at another location within the manufactured home park, and must notify the estate's executor or administrator where it will be stored during the administration of the estate. The costs for removal and storage are a claim against the resident's estate without further presentation of the claim to the executor or administrator.

Procedures when the evicted resident is dead and the estate has not yet been probated

(R.C. 1923.12(E))

The bill provides that, when the resident who has been evicted from a manufactured home park pursuant to an FE & D judgment is the titled owner of a manufactured or mobile home or recreational vehicle and is dead or dies prior to the removal of the home or vehicle from the park, and no probate court has granted letters testamentary or of administration with respect to the resident's estate, the park operator may store the home or vehicle at a storage facility or at another location within the park before and after a probate court, under the probate law, grants letters testamentary or of administration regarding the resident's estate. If letters testamentary or of administration are not granted within one year of the date of eviction from the manufactured home park, the park operator may follow the bill's procedures discussed below in "**Judgment of restitution--issuance of writ of execution**" and "**Removal of property**" to permit the removal from the park and potential sale, destruction, or transfer of ownership of the home or vehicle. If

the resident's estate is probated within one year of the date of the resident's eviction from the park, the removal from the park and potential sale, destruction, or transfer of ownership of the home or vehicle must be conducted pursuant to the procedures described in the prior paragraph.

Judgment of restitution--issuance of writ of execution

(R.C. 1923.13)

Under existing law, when a judgment of restitution is entered by a court in an FE & D action, the court, at the request of the plaintiff or the plaintiff's agent or attorney, must issue a writ of execution on the judgment in the form specified by statute, which notifies a constable or police officer of a township, city, or village, the sheriff of a county, or any authorized court bailiff that the plaintiff has restitution of the premises described in the writ. The writ also must state the sum the plaintiff recovers as costs. The writ commands that the defendant be removed from the premises and the plaintiff have restitution of them, that the law enforcement officer to which the writ was issued levy of the goods and chattels of the defendant, make the costs previously mentioned and all accruing costs, and make legal service and due return of the writ.

Under the bill, when a judgment of restitution is entered in an FE & D action against a manufactured home park resident or the resident's estate, at the request of the plaintiff or plaintiff's agent or attorney, the court must issue a writ of execution on the judgment in a form as near as practicable as the form set forth in the bill. That form contains similar language to that referred to above for a writ of execution, but refers to the action as an action for eviction of a resident from residential premises of a manufactured home park, rather than an FE & D action. Further, the writ authorizes the constable, police officer, sheriff, or court bailiff (hereinafter "law enforcement officer") to cause the manufactured or mobile home or recreational vehicle, and all personal property and vehicles of the defendant on the residential premises, to be either (1) removed from the manufactured home park and, if necessary, moved to a storage facility or (2) retained at their current location on the residential premises, until they are disposed of in a manner authorized by the writ or state law.

The bill also requires that the writ of execution state that if the manufactured or mobile home or recreational vehicle has been abandoned by the defendant and the bill's notice of eviction and removal and storage requirements have been satisfied, the law enforcement officer to whom the writ has been issued is authorized to cause the sale of the home or vehicle in accordance with the bill's requirements for selling it (see "**Proceedings for sale of property and distribution of proceeds**," below). The writ must contain the names and addresses of persons who may continue to have an outstanding right, title, or interest in the home or

vehicle. The writ must state that if the manufactured or mobile home or recreational vehicle cannot be sold due to a want of bidders, after it is offered for sale on two occasions, the law enforcement officer must cause the presentation of the writ to the court clerk for the issuance of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances, in accordance with the bill's requirements.

If the home or vehicle has been abandoned and has a value of less than \$3,000 and the bill's notice of eviction and removal and storage requirements have been satisfied, the writ further authorizes the law enforcement officer to either cause the sale or destruction of the home or vehicle, or cause the presentation of the writ to the court clerk for the issuance of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances.

Lastly, the writ must contain a statement that if it is presented to the court clerk under the circumstances described in either of the two preceding paragraphs and in accordance with the bill's requirements, the clerk must issue a certificate of title transferring the title of the manufactured or mobile home or recreational vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances, in the manner prescribed in the motor vehicle certificate of title law that applies when ownership is changed by operation of law.

Enforcement of writ of execution

(R.C. 1923.14(B)(1))

Under existing law, within ten days after receiving the writ of execution on a judgment of restitution, the law enforcement officer must execute the writ by restoring the plaintiff to possession of the premises and must levy and collect the costs and make return. If an appeal from the judgment of restitution is filed and if, following the filing of the appeal, a stay of execution is obtained and any required bond is filed with the common pleas, municipal, or county court, the judge of that court immediately must issue an order to the appropriate law enforcement officer commanding the delay of all further proceedings upon the execution. If the premises have been restored to the plaintiff, the law enforcement officer must place the defendant in possession of the premises and return the writ with the proceedings and the costs taxed on it.

The bill provides specific procedures for enforcing a writ of execution involving a manufactured or mobile home or recreational vehicle. It provides that, after a common pleas, municipal, or county court issues the writ, the clerk of the court must send by regular mail, to the last known address of the titled owner of the home or vehicle, and to the last known address of each other person who is

listed on the writ as having any outstanding right, title, or interest in the home or vehicle, a written notice that it potentially may be sold, destroyed, or have its title transferred under the circumstances described below.

Removal of property

(R.C. 1923.14(B)(2) and 4513.01)

Under the bill, after receiving the writ of execution and causing the defendant to be removed from the residential premises of the manufactured home park, if necessary, in accordance with the writ, the law enforcement officer may cause the manufactured or mobile home or recreational vehicle and all personal property and vehicles of the defendant on the residential premises, at the officer's option, either to be removed from the manufactured home park and, if necessary, moved to a storage facility of choice, or to be retained at their current location on the residential premises, until the defendant claims them or they are disposed of in a manner provided under the bill. (Manufactured or mobile homes are no longer to be removed and stored pursuant to the law regarding abandoned vehicles.)

The law enforcement officer who removes the manufactured or mobile home or recreational vehicle, and the personal property and vehicles of the defendant, from the residential premises, is immune from civil liability for any damage caused to the home, any vehicle, or any personal property during the removal, pursuant to existing immunity law that applies to political subdivisions and their employees. The park operator is not liable for any damage caused by the operator's removal of the home or vehicle or the defendant's personal property or vehicles from the residential premises, or for any damage to the defendant's personal property and vehicles during the time the home, vehicle, or property remains abandoned or stored in the manufactured home park. But the park operator is liable if the damage is the result of acts that the park operator or the operator's agents or employees performed with malicious purpose, in bad faith, or in a wanton or reckless manner. The reasonable costs for removal of the manufactured or mobile home or recreational vehicle and, as applicable, the reasonable costs for its storage, constitute a lien upon the home or vehicle, payable by its titled owner or payable pursuant to the provision discussed next.

Proceedings for sale of the property and distribution of proceeds

(R.C. 1923.14(B)(3))

The bill provides generally that, within 60 days after receiving the writ of execution, the law enforcement officer must commence proceedings for sale of the manufactured or mobile home or recreational vehicle in accordance with the existing procedures for the sale of goods on execution, if the home or vehicle is

determined to be abandoned. In addition to all notices generally required to be given under that existing procedure, the law enforcement officer must serve a written notice of the date, time, and place of the sale upon all persons who are listed on the writ of execution as having any outstanding right, title, or interest in the abandoned home or vehicle, at their respective last known addresses.

The bill requires, notwithstanding any statutory provision to the contrary, that there be no stay of execution or exemption from levy or sale on execution available to the titled owner of an abandoned manufactured or mobile home or recreational vehicle in relation to a sale that arises out of a judgment in an FE & D action. The proceeds from the sale must be distributed in the following order:

- First, to pay the costs for any moving and storage of the home or vehicle outside the manufactured home park, the costs of the sale, and any unpaid court costs assessed against the defendant in the underlying action;
- Second, to pay all outstanding tax liens on the home or vehicle;
- Third, to pay all other outstanding security interests, liens, or encumbrances on the home or vehicle by priority of filing or other priority;
- Fourth, to pay any outstanding monetary judgment rendered in favor of the plaintiff and any costs associated with retaining the home or vehicle prior to the sale at its location on the residential premises within the manufactured home park;
- After complying with these first four requirements, the law enforcement officer must report any remaining money as unclaimed funds pursuant to existing law.

The bill provides that, upon the return of any writ of execution for the satisfaction of which an abandoned manufactured or mobile home or recreational vehicle has been sold, on careful examination of the proceedings of the law enforcement officer conducting the sale, if the court that issued the writ finds that the sale was made, in all respects, in conformity with the relevant laws regarding execution of property and as provided above, it must direct the clerk of the court to make an entry on the journal that the court is satisfied with the legality of the sale and issue a certificate of title, free and clear of all security interests, liens, and encumbrances, to the purchaser of the home or vehicle.

Procedure if the property has not been sold

(R.C. 1923.14(B)(3))

If, after it is offered for sale on two occasions, the abandoned manufactured or mobile home or recreational vehicle cannot be sold due to a want of bidders, the law enforcement officer must present the writ of execution unsatisfied to the clerk of the court that issued the writ, for issuance by the clerk of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances. If any taxes are owed on the home or vehicle at this time, the county auditor must remove the delinquent taxes from the manufactured home tax list and remit any penalties for late payment of manufactured home taxes. Acceptance of the certificate of title by the plaintiff terminates all further proceedings under the bill.

Procedure for property that is valued less than \$3,000

(R.C. 1923.14(B)(4))

The bill provides that, within 60 days after receiving a writ of execution, if a manufactured or mobile home or recreational vehicle is determined to be abandoned and to have a value of less than \$3,000, the law enforcement officer must serve a written notice of potential action upon all persons who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle, at their respective last known addresses. This notice must be in addition to all notices required to be given under existing law. Subject to the fulfillment of these notice requirements, the law enforcement officer must take one of the following actions with respect to the abandoned home or vehicle:

(1) Cause its destruction if there is no outstanding right, title, or interest in it;

(2) Proceed with its sale;

(3) Present the writ of execution to the clerk of court that issued the writ for the issuance by the clerk of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances, if there is no outstanding right, title, or interest in the home or vehicle. If any manufactured home taxes are owed on the home or vehicle, the county auditor must remove the delinquent taxes from the manufactured home tax list and the delinquent manufactured home tax list and remit any penalties for late payment of those taxes. Acceptance of the certificate of title by the plaintiff terminates all further proceedings.

Removal of manufactured or mobile home or recreational vehicle by the titled owner

(R.C. 1923.14(B)(5))

The bill provides that, at any time prior to the issuance of the writ of execution for the removal of a manufactured or mobile home or recreational vehicle, the titled owner of the abandoned home or vehicle that would be the subject of the writ may remove it from the manufactured home park or other place of storage upon payment to the county auditor of all outstanding tax liens on the home or vehicle. The titled owner, unless indigent, must also pay to the clerk of court all unpaid court costs assessed against the defendant in the underlying action.

After the issuance of the writ of execution for the removal of a manufactured or mobile home or recreational vehicle, the titled owner may remove it from the manufactured home park or other place of storage at any time up to the day before its scheduled sale, destruction, or transfer, upon payment of all outstanding tax liens on, and all costs for moving and storing, the home or vehicle, and all costs incurred by the law enforcement officer, up to and including the date of its removal, and, unless the owner is indigent, all unpaid court costs assessed against the defendant in the underlying action.

Park operator may bring an action for possession of the premises

(R.C. 3733.091(A))

Generally, a manufactured home park operator may bring an FE & D action for possession of the premises, if the resident is in default in the payment of rent, is holding over the resident's term, is in violation of public health council rules or the park's rules, or complains of the violation of an applicable building, housing, health, or safety code that was primarily caused by any act or lack of reasonable care by the resident, any other person in the resident's household, or anyone on the premises with the consent of the resident.

The bill expands existing law by providing that a park operator also may bring an FE & D action for possession of the premises if the resident has been absent from the manufactured home park for a period of 30 consecutive days prior to the commencement of the action, and the resident's manufactured or mobile home or recreational vehicle has been left unoccupied for that 30-day period, without notice to the park operator and without payment of rent due under the rental agreement.

Miscellaneous provisions

Relocation notice for manufactured or mobile home

(R.C. 4503.061(H)(1); Sections 3 to 5)

Existing law provides that before moving a manufactured or mobile home on public roads from one address within Ohio to another address within or outside this state, the owner of the home must obtain a relocation notice from the auditor of the county in which the home is located, if the home is currently subject to real property or manufactured home taxes. The auditor cannot issue a relocation notice unless all taxes owed on the home that were first charged to the home during the owner's period of ownership have been paid. If the home is being moved by a new owner or by a party taking repossession of the home, the auditor cannot issue a relocation notice unless all of the taxes due for the preceding five years and for the current year have been paid. A relocation notice issued by a county auditor is valid until December 31 of the year in which it was issued.

The bill provides that if a manufactured or mobile home is being moved by a law enforcement officer or manufactured home park operator, or any agent of any of those persons, for purposes of removal from a manufactured home park and storage, sale, or destruction under the bill's procedures for enforcement of a writ of execution and removal of property, the auditor must issue a relocation notice without requiring payment of any taxes owed on the home.

Manufactured or mobile home registers

(R.C. 4503.062(A))

Under existing law, every operator of a manufactured home court or park, or, when there is no operator, every owner of property used for such purposes on which three or more manufactured or mobile homes are located, must keep a register of all manufactured and mobile homes that make use of the court, park, or property. The register must contain certain information, such as the name, ages, and addresses of the owner and all inhabitants of each home, the home's license number, the state issuing the license, and the date of arrival and departure of each home.

The bill expands the contents of the register by requiring that the make and model of each home be included in the register, if known and the home enters the court, park, or property on or after January 1, 2003, or ownership of the home in the court or park, or on the property, is transferred on or after that date.

Procedure for removal of property from a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp

Campsite use agreement

(R.C. 3733.01(CC) and (DD) and 3733.081)

The bill establishes a procedure for removing abandoned property from a campsite, if a campsite user enters into a campsite agreement with a camp operator. Under the bill, every campsite use agreement must be in writing, contain the name, address, and phone number of the campsite user, and designate the campsite that is the subject of the agreement. The agreement also must contain a description of the procedure for removing property from the campsite if the campsite user fails to remove all property from the campsite as required by the bill (see "**Removal of campsite property; procedure if abandoned,**" below).

The bill defines "camp operator" as the operator of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp. A "campsite user" is a person who enters into a campsite use agreement with a camp operator for the use of a campsite at a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.

Removal of campsite property; procedure if abandoned

(R.C. 3733.082(A))

The bill provides that a campsite user who enters into a campsite use agreement with a camp operator, at the expiration of the campsite use period under the agreement, must remove from the campsite all of the user's property and all property any other person placed on the campsite with the permission of the user. If the campsite user fails to remove all of that property from the campsite within five consecutive days after expiration of the use period, all of the following occurs:

(1) **Inventory.** The camp operator must perform an inventory of the property that the campsite user did not remove from the campsite.

(2) **Notice of violation.** The camp operator may send a letter to the campsite user informing the user that the user has abandoned property on the campsite in violation of the agreement, and that the camp operator will commence an action for seizure of the property if the user does not remove the property within ten days after the date on which the letter is mailed.

(3) **Filing of complaint.** If the campsite user does not remove the property from the campsite within ten days after the date on which the notice of violation

letter is mailed, the camp operator may file an action for the seizure of the property that remains on the campsite, in the municipal or county court that has territorial jurisdiction over the park or camp. The complaint must contain all of the following:

(a) The name, address, and phone number of the campsite user that is in the campsite use agreement;

(b) A description of the property that the campsite user has not removed from the campsite;

(c) A demand that all of the property listed in the complaint be removed from the campsite within seven days after service of the complaint upon the campsite user;

(d) A description of the procedure that will be followed if the campsite user does not remove the listed property within the seven-day period;

(e) A statement that the campsite user must pay to the clerk of the court the amount of the filing fees charged for the filing of the complaint, that the campsite user must pay those fees prior to removing the listed property from the campsite, and that if the user fails to pay the filing fees, the property may be sold to pay them.

(4) **Summons to campsite user.** When the camp operator files an action for seizure of the property, the clerk of the court must issue a summons and a copy of the complaint, pursuant to the Rules of Civil Procedure, to the campsite user at the address provided in the campsite use agreement.

(5) **Removal and seizure of property.** If the campsite user does not file an answer to the complaint and remove all of the property listed in the complaint within seven days after service of the complaint, the court must either issue an order authorizing the sheriff, another peace officer, or a bailiff to remove the property from the campsite and place it in storage, or authorize the camp operator to seize the property and, if the property is a titled vehicle, cause the issuance to the operator of a new certificate of title for the property.

(6) **Search of public records for interested persons.** Upon the removal and storage of the property, the sheriff, peace officer, bailiff, or camp operator must conduct or cause to be conducted a search of the appropriate public records that relate to the property and must make or cause to be made reasonably diligent inquiries for the purpose of identifying persons who have any right, title, or interest in any of the property, and then may commence proceedings for the sale of the property. The sheriff, peace officer, bailiff, or camp operator must send by



certified mail, return receipt requested, a written notice of the date, time, and place of the sale to each person who, because of the search, inquiries, or otherwise, is believed to have a right, title, or interest in the property. The notice must be sent to each person's last known address.

(7) **Proceeds of sale**. If the sheriff, peace officer, bailiff, or camp operator sells the property, the proceeds of the sale must be disposed of in the following order:

(a) First, to pay the costs for any moving or any storage of the property, the costs of the sale, and any unpaid court costs assessed against the campsite user in the underlying action.

(b) Following the payment required in (a) above, all other outstanding security interests, liens, or encumbrances on the property must be paid, by priority of filing or other priority.

(c) After complying with (a) and (b) above, the sheriff, peace officer, bailiff, or camp operator must transfer any remaining money to the owner of the property.

(8) **Disposal of property not sold**. If the property is not sold, it must be disposed of in the following manner:

(a) If the property is a motor vehicle or recreational vehicle, in accordance with the procedure for disposition of abandoned motor vehicles or abandoned junk motor vehicles;

(b) If the property is personal property, in accordance with the procedure for disposition of property held by a law enforcement agency.

The bill also provides that the municipal court or county court must reimburse the filing fees to the camp operator, upon their collection from the campsite user.

Exclusion from Landlord-Tenant Law

(R.C. 5321.01(C)(3) and (I))

The bill specifically excludes recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps from the Landlord-Tenant Law by providing that "residential premises," as used in that Law, do not include recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps. The result of this exclusion is that these camps are subject to the bill's new procedure for removal of abandoned campsite property.

Jurisdiction of county and municipal courts

(R.C. 1901.184 and 1907.032)

The bill provides that, in addition to jurisdiction otherwise granted by existing municipal court and general county court law, a municipal or county court has jurisdiction in actions to remove abandoned campsite property.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-20-02	p. 1435
Reported, H. Civil & Commercial Law	05-22-02	pp. 1797-1798
Passed House (89-4)	05-24-02	pp. 1811-1812
Reported, S. Ways & Means	---	---

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